

# SENATE BILL 324

M3, M1

(PRE-FILED)

11r0755  
CF HB 204

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By: **Senators Elfreth and Bailey**

Requested: September 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment and Natural Resources – Complaints, Inspections, and**  
3 **Enforcement – Information Maintenance and Reporting**

4 FOR the purpose of requiring the Department of the Environment to receive and process  
5 complaints involving ~~suspected environmental~~ alleged violations of certain air and  
6 water quality requirements in a certain manner; requiring the Department of the  
7 Environment to keep an electronic record of certain complaints for a certain number  
8 of years; requiring the Department of the Environment to maintain and update  
9 certain information involving ~~suspected environmental~~ alleged violations of certain  
10 air and water quality requirements; requiring the Department of the Environment  
11 to update and publish on its website a certain list that includes certain information;  
12 requiring the Department of the Environment to develop and maintain a certain  
13 website to provide certain complaint, inspection, and enforcement information;  
14 requiring certain information posted on a certain website to be kept in a certain  
15 manner; requiring the Department of Natural Resources to report to the Governor  
16 and the General Assembly on or before a certain date each year on information  
17 relating to the enforcement of natural resources and conservation laws; declaring the  
18 intent of the General Assembly; providing for the construction of this Act; providing  
19 for the application of certain provisions of this Act; defining ~~a certain term~~ terms;  
20 and generally relating to complaints, inspections, and enforcement under  
21 environment and natural resources laws.

22 BY adding to  
23 Article – Environment

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Section 1–305  
Annotated Code of Maryland  
(2013 Replacement Volume and 2020 Supplement)

BY adding to  
Article – Natural Resources  
Section 1–211  
Annotated Code of Maryland  
(2018 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Environment**

**1–305.**

(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “~~SUSPECTED~~ ALLEGED VIOLATION” MEANS ~~A SUSPECTED~~ AN ALLEGED VIOLATION OF ANY REQUIREMENT IN THIS ARTICLE OR ANY REGULATION AUTHORIZED BY A PROVISION OF THIS ARTICLE, INCLUDING FEDERAL REQUIREMENTS AND STANDARDS DELEGATED TO THE STATE.

(3) “COMPLAINT” MEANS A COMPLAINT REGARDING AN ALLEGED VIOLATION OF ANY AIR OR WATER QUALITY REQUIREMENT IN THIS ARTICLE OR ANY AIR OR WATER QUALITY REGULATION AUTHORIZED BY A PROVISION OF THIS ARTICLE, INCLUDING FEDERAL REQUIREMENTS AND STANDARDS DELEGATED TO THE STATE.

(B) THIS SECTION APPLIES ONLY TO:

(1) BEGINNING OCTOBER 1, 2021, WATER QUALITY PROGRAMS WITHIN THE DEPARTMENT’S WATER AND SCIENCE ADMINISTRATION THAT ARE TRACKED THROUGH THE DEPARTMENT’S ENVIRONMENTAL TRACKING SYSTEM OR A COMPARABLE DATABASE; AND

(2) BEGINNING JUNE 30, 2022:

(I) WATER QUALITY PROGRAMS WITHIN THE DEPARTMENT’S LAND AND MATERIALS ADMINISTRATION THAT ARE TRACKED THROUGH THE DEPARTMENT’S ENVIRONMENTAL TRACKING SYSTEM OR A COMPARABLE DATABASE; AND

(II) AIR QUALITY PROGRAMS WITHIN THE DEPARTMENT'S AIR AND RADIATION ADMINISTRATION THAT ARE TRACKED THROUGH THE DEPARTMENT'S ENVIRONMENTAL TRACKING SYSTEM OR A COMPARABLE DATABASE.

~~(B)~~ (C) THE DEPARTMENT SHALL:

(1) RECEIVE AND PROCESS COMPLAINTS THAT INVOLVE ~~SUSPECTED~~ ALLEGED VIOLATIONS;

(2) KEEP AN ELECTRONIC RECORD OF EACH COMPLAINT THAT IS RECEIVED UNDER THIS SECTION FOR 10 YEARS, INCLUDING INFORMATION ON:

(I) THE COUNTY IN WHICH THE ~~SUSPECTED~~ ALLEGED VIOLATION OCCURRED; AND

(II) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS AUTHORIZED TO ENFORCE THE ~~SUSPECTED~~ ALLEGED VIOLATION; AND

(3) MAINTAIN AND UPDATE, ON AT LEAST A QUARTERLY BASIS, A LIST OF:

(I) NEW COMPLAINTS THAT HAVE BEEN RECEIVED BY THE DEPARTMENT THAT INVOLVE ~~SUSPECTED~~ ALLEGED VIOLATIONS, INCLUDING INFORMATION ON:

1. THE COUNTY IN WHICH THE ~~SUSPECTED~~ ALLEGED VIOLATION OCCURRED; AND

2. WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS AUTHORIZED TO ENFORCE THE ~~SUSPECTED~~ ALLEGED VIOLATION;

(II) COMPLAINTS THAT REMAIN OPEN; AND

(III) COMPLAINTS THAT HAVE BEEN ~~RECENTLY~~ CLOSED.

~~(C)~~ (D) ON AT LEAST A MONTHLY BASIS, THE DEPARTMENT SHALL UPDATE AND PUBLISH ON ITS WEBSITE A LIST OF ~~NEW~~ LEGAL SETTLEMENTS ~~PROPOSED~~ FINALIZED BY THE DEPARTMENT THAT INVOLVE ~~SUSPECTED~~ VIOLATIONS, INCLUDING INFORMATION ON:

(1) THE DATE ~~THE~~ A SETTLEMENT WAS ~~PROPOSED~~ FINALIZED;

1           (2) THE RELEVANT LAW OR REGULATION THAT IS THE BASIS OF THE  
2 ~~SUSPECTED~~ VIOLATION; ~~AND~~

3           (3) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS  
4 AUTHORIZED TO ENFORCE THE ~~SUSPECTED~~ VIOLATION;

5           (4) THE NAME OF THE SITE OR REGULATED ENTITY AND THE  
6 LOCATION OF THE SITE AT ISSUE;

7           (5) THE AMOUNT OF ANY PENALTY ASSESSED;

8           (6) A DESCRIPTION OF THE VIOLATION; AND

9           (7) A LINK TO A DOWNLOADABLE DOCUMENT CONTAINING THE FINAL  
10 SETTLEMENT AGREEMENT.

11        ~~(D)~~ (E) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A WEBSITE TO  
12 PROVIDE:

13           (1) A LIST OF EACH COMPLAINT RECEIVED BY THE DEPARTMENT  
14 THAT INCLUDES ONLY:

15                (I) THE DATE ON WHICH THE COMPLAINT WAS SUBMITTED;

16                (II) THE COUNTY IN WHICH THE ~~SUSPECTED~~ ALLEGED  
17 VIOLATION OCCURRED;

18                (III) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS  
19 AUTHORIZED TO ENFORCE THE ~~SUSPECTED~~ ALLEGED VIOLATION; ~~AND~~

20                (IV) ANY COMPLAINT OR CASE IDENTIFICATION NUMBER; AND

21                (V) IF A COMPLAINT HAS BEEN CLOSED, THE DATE ON WHICH  
22 THE COMPLAINT WAS CLOSED;

23           (2) A LIST OF EACH INSPECTION THAT HAS BEEN CONDUCTED BY THE  
24 DEPARTMENT DURING THE IMMEDIATELY PRECEDING 365 DAYS UNDER THE  
25 AUTHORITY OF A STATE OR FEDERAL LAW OR REGULATION RELATED TO MANAGING  
26 OR PROTECTING ~~AMBIENT AIR QUALITY OR WATER QUALITY~~ THE ENVIRONMENT  
27 THAT INCLUDES ONLY:

28                (I) THE NAME OF THE SITE OR REGULATED ENTITY;

(II) THE COUNTY AND, IF READILY AVAILABLE, THE ZIP CODE IN WHICH THE INSPECTION OCCURRED;

(III) ~~THE~~ IF APPLICABLE, THE PERMIT NUMBER ASSOCIATED WITH THE SITE;

(IV) ANY INSPECTION IDENTIFICATION NUMBER;

(V) ~~THE FINDINGS OF THE INSPECTOR ON WHETHER~~ WHETHER THE SITE IS IN COMPLIANCE OR WHETHER ANY ADDITIONAL INVESTIGATION IS NECESSARY;

(VI) THE STATUS OF THE INSPECTION; AND

(VII) ~~WHETHER THE BASIS OF THE INSPECTION INVOLVED AMBIENT AIR QUALITY, WATER QUALITY, OR OTHER MEDIA~~ THE MEDIA BASIS FOR THE INSPECTION;

(3) AN ELECTRONIC LINK OR OTHER MEANS OF DOWNLOADING A DIGITAL COPY, IF READILY AVAILABLE, OF AN INSPECTION REPORT THAT INCLUDES INFORMATION THAT IS LISTED UNDER ITEM (2) OF THIS SUBSECTION IF THE INFORMATION IS MAINTAINED BY THE DEPARTMENT IN ~~A~~ THE ENVIRONMENTAL TRACKING SYSTEM OR A COMPARABLE DATABASE;

(4) A LIST OF EACH ENFORCEMENT ACTION THAT HAS BEEN INITIATED BY THE DEPARTMENT DURING THE IMMEDIATELY PRECEDING 365 DAYS UNDER THE AUTHORITY OF A STATE OR FEDERAL LAW OR REGULATION RELATED TO PROTECTING OR MANAGING ~~AMBIENT AIR QUALITY OR WATER QUALITY~~ THE ENVIRONMENT THAT INCLUDES ONLY:

(I) WHETHER ANY PENALTIES WERE IMPOSED AND THE AMOUNT OF THE PENALTIES COLLECTED;

(II) WHETHER ANY ORDERS WERE ISSUED;

(III) WHETHER THE CASE WAS REFERRED FOR PROSECUTION OR FURTHER ENFORCEMENT ACTION;

(IV) WHETHER COMPLIANCE ASSISTANCE WAS RENDERED;

(V) THE COUNTY AND, IF READILY AVAILABLE, THE ZIP CODE IN WHICH THE ENFORCEMENT ACTION OCCURRED;

(VI) THE ENFORCEMENT ACTION IDENTIFICATION NUMBER;

(VII) ~~THE~~ IF APPLICABLE, THE PERMIT NUMBER; AND

(VIII) WHICH ADMINISTRATION WITHIN THE DEPARTMENT CARRIED OUT THE ENFORCEMENT ACTION; ~~AND~~

(5) A LIST OF EACH VIOLATION DISCOVERED WITHIN THE IMMEDIATELY PRECEDING 365 DAYS THAT THE DEPARTMENT HAS DEEMED “SIGNIFICANT NONCOMPLIANCE”, OR A “HIGH-PRIORITY VIOLATION”, ~~OR ANY OTHER ELEVATED STATUS OF CONCERN~~ THAT INCLUDES ONLY:

(I) THE DATE ON WHICH THE VIOLATION WAS IDENTIFIED AS ~~AN ELEVATED STATUS OF CONCERN~~ “SIGNIFICANT NONCOMPLIANCE” OR A “HIGH-PRIORITY VIOLATION”;

(II) THE DATE ON WHICH THE ~~FACILITY~~ SITE OR REGULATED ENTITY REGAINED COMPLIANCE, IF APPLICABLE;

(III) THE COUNTY AND, IF READILY AVAILABLE, THE ZIP CODE IN WHICH THE ~~SUSPECTED~~ VIOLATION OCCURRED;

(IV) WHETHER ANY ENFORCEMENT ACTION HAS BEEN INITIATED OR CORRECTIVE ACTION REQUESTED; AND

(V) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS AUTHORIZED TO ENFORCE THE VIOLATION;

~~(VI)~~ (6) A LIST OF ALL EXPIRED AND ADMINISTRATIVELY CONTINUED ENVIRONMENTAL PERMITS ~~ISSUED BY THE DEPARTMENT~~ SUBJECT TO THIS SECTION, INCLUDING INFORMATION ON:

~~1.~~ (I) THE ~~FACILITY NAME~~ NAME OF THE PERMITTEE;

~~2.~~ (II) THE EXPIRATION DATE OF THE PERMIT;

~~3.~~ (III) THE PERMIT NUMBER;

~~4.~~ (IV) THE COUNTY AND, IF READILY AVAILABLE, THE ZIP CODE IN WHICH THE ~~FACILITY~~ SITE OR REGULATED ENTITY IS LOCATED; AND

~~5.~~ (V) ANY INFORMATION ON THE STATUS OF THE PERMIT RENEWAL PROCESS, INCLUDING WHETHER AN APPLICATION TO RENEW THE PERMIT HAS BEEN SUBMITTED AND WHETHER THE PERMIT IS DEEMED TO BE EXPIRED OR ADMINISTRATIVELY CONTINUED; AND

~~(VII)~~ (7) ALL INFORMATION REQUIRED TO BE POSTED ON THE DEPARTMENT'S WEBSITE IN ACCORDANCE WITH § 4-802 OF THIS ARTICLE.

~~(E)~~ (F) THE INFORMATION POSTED ON THE WEBSITE IN ACCORDANCE WITH ~~SUBSECTION (D)~~ SUBSECTIONS (D) AND (E) OF THIS SECTION SHALL BE:

(1) KEPT FOR AT LEAST 10 YEARS;

(2) UPDATED ON AT LEAST A MONTHLY BASIS; AND

(3) MAINTAINED IN A DATABASE FORMAT TO ENSURE THAT THE INFORMATION IS SEARCHABLE BY CATEGORY OF INFORMATION.

#### Article – Natural Resources

1-211.

(A) ON OR BEFORE SEPTEMBER 30 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON INFORMATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR RELATING TO THE ENFORCEMENT OF NATURAL RESOURCES AND CONSERVATION LAWS.

(B) THE REPORT SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) THE FOLLOWING INFORMATION ON A STATEWIDE BASIS:

(I) WITH RESPECT TO THE ENFORCEMENT OF STATE CONSERVATION LAWS, THE TOTAL NUMBER OF:

1. INSPECTIONS CONDUCTED, INCLUDING THE TOTAL NUMBER OF INSPECTIONS CONDUCTED PER NATURAL RESOURCES POLICE OFFICER;

2. CITATIONS AND WARNINGS ISSUED; AND

3. VIOLATIONS THAT LED TO A CONVICTION;

(II) WITH RESPECT TO THE ENFORCEMENT OF THE STATE BOAT ACT, THE TOTAL:

1. NUMBER OF INSPECTIONS;

1                               2.     NUMBER OF CITATIONS AND WARNINGS ISSUED,  
2 INCLUDING OPERATING–UNDER–THE–INFLUENCE CITATIONS; AND

3                               3.     NUMBER OF BOATING ACCIDENTS, INCLUDING THE  
4 TOTAL NUMBER OF FATALITIES AND TOTAL DOLLAR AMOUNT OF RESULTING  
5 PROPERTY DAMAGE; AND

6                               (III) WITH RESPECT TO ACTIVITIES REPORTED TO THE  
7 MARYLAND WILDLIFE CRIME STOPPERS, THE TOTAL NUMBER OF:

8                               1.     REPORTED INCIDENTS, INCLUDING THE TOTAL  
9 NUMBER THAT LED TO FORMAL CHARGES AND, IF APPLICABLE, CONVICTIONS; AND

10                              2.     REWARDS     OF     FINANCIAL     COMPENSATION  
11 DISTRIBUTED, INCLUDING THE TOTAL DOLLAR AMOUNT DISTRIBUTED; AND

12                              (2)    FOR EACH OF THE EASTERN REGION, SOUTHERN REGION,  
13 WESTERN REGION, AND CENTRAL REGION, THE FOLLOWING INFORMATION:

14                              (I)     THE TOTAL NUMBER OF INSPECTIONS RELATING TO EACH  
15 OF THE FOLLOWING:

16                                   1.     COMMERCIAL FISHING;

17                                   2.     RECREATIONAL FISHING;

18                                   3.     CRABS;

19                                   4.     OYSTERS;

20                                   5.     GAME AND WILDLIFE; AND

21                                   6.     BOATING; AND

22                              (II)    THE TOTAL NUMBER OF:

23                                   1.     OYSTER CITATIONS AND WARNINGS ISSUED;

24                                   2.     OPERATING–UNDER–THE–INFLUENCE     CITATIONS  
25 ISSUED; AND

26                                   3.     BOATING ACCIDENTS, INCLUDING THE TOTAL  
27 NUMBER OF FATALITIES AND THE TOTAL DOLLAR AMOUNT OF RESULTING  
28 PROPERTY DAMAGE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that:

(1) this Act enhance efficiency and reduce the burden on State agencies by taking advantage of modern technology, maximizing collaboration, minimizing redundancy in agency activities, reducing the amount of agency staff time needed to respond to and complete Public Information Act requests, and marshalling nongovernmental resources through the facilitation and enablement of public participation; and

(2) government agencies responsible for implementing this Act rely on, to the maximum extent practicable, existing budgeted resources to implement this Act, including by realizing the efficiencies gained under this Act, reallocating newly available resources, and relying on newly available data systems and technologies to undertake tasks that are currently processed manually.

(b) Nothing in this Act shall be construed to require any unit of State government to undertake additional data collection, publish any confidential information not already subject to disclosure under State law, or perform any additional redaction of information to implement this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.